

RESOLUTION PC 17-4654

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING APPROVAL TO THE CITY COUNCIL A MULTI-FAMILY SITE DEVELOPMENT PLAN ALLOWING THE CONSTRUCTION OF 220 RESIDENTIAL CONDOMINIUM UNITS IN THE BARHAM/DISCOVERY COMMUNITY

MFSDP 17-002

(P17-0015)

Brookfield Residential Properties

WHEREAS, on February 27, 2017 an application was received from Brookfield Residential Properties requesting a Multi-Family Site Development Plan (MFSDP 17-002) to construct 220 residential condominium units on vacant land located at the southwest corner of South Twin Oaks Valley Road and South Village Drive, more particularly described as:

Lot 129 of Subdivision Map 16154 and portions of the northeast quarter of the southwest quarter of section 23, township 12 south, range 3 west, in the City of San Marcos, County of San Diego, State of California.

Assessor Parcel Numbers: 222-170-36-00, 222-170-37-00, and a portion of 222-190-02-00

WHEREAS, the Development Services Department did study and recommend approval of said request; and

WHEREAS, Multi-Family Site Development Plan (MFSDP) 17-002 is being requested in conjunction with a General Plan Amendment (GPA 17-002) to modify the permitted General Plan land Use designations on the subject site from Heart of the City Specific Plan "MU-4 Mixed Use (Nonresidential)" and Park (P) to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Specific Plan Amendment (SPA 17-002) to modify the permitted specific plan land use designations on 22.94 acres of the project site from Heart of the City Specific Plan "MU-4 Mixed Use (Nonresidential)" to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Rezone (R 17-001) to modify the zoning designation on 0.28 acres of the project site from Public Institutional (P-I) to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Tentative Subdivision Map (TSM 17-003) to develop 220 residential condominium on eight (8) lots (including a public street dedication); a Grading Variance (GV 17-003) to allow for slopes in excess of 20 feet, and a Conditional Use Permit (CUP 17-006) to allow for the temporary use of a rock crusher during project construction; and

WHEREAS, the development Services Department held Public Workshops for the project on April 18, 2017 and June 21, 2017; and

WHEREAS, the required public hearing held on November 6, 2017 was duly advertised and

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held in the manner prescribed by law; and

WHEREAS, the subject site has been annexed into Community Facility Districts (CFD) 98-02 Special Improvement Area (SIA) F-55: Lighting, Landscape and Street Maintenance, CFD 98-01 IA #1: Police Only, CFD 2001-01: Fire and Paramedic, and CFD 2011-01 Congestion Management; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 17-005) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission's decision is based upon the following findings and determinations:

1. The proposed Multi-Family Site Development Plan is consistent with the goals, policies, and objectives of the General Plan in that the project requires approval of a specific plan which requires high quality design (San Marcos General Plan Policy LU5.6) which in turn helps to promote community design that produces a distinctive, high quality built environment with forms and character that create memorable places and enrich community life (San Marcos General Plan Land Use Goal LU-5) and helps achieve a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community (San Marcos General Plan Land Use Goal LU-1).
2. The project site is disturbed and does not contain any substantial trees. As a result, the proposed Multi-Family Site Development Plan will not unnecessarily remove trees and natural vegetation, and will plant new trees throughout the proposed development including street trees throughout the development and along Future Street 'C' and Twin Oaks Valley Road.
3. The project site is rough graded and as a result, the proposed Multi-Family Site Development Plan will not have any impact on natural landforms or ridgelines nor will it include excessive or unsightly grading of hillsides or otherwise adversely affect the natural setting of the project site in that the project site is an existing cut and fill pad located within a hillside that currently contains slopes that exceed 20 feet at both the northern and southern portions of the project site and will remain with development of the site. Height of the existing slopes at the northern edge of the project site range between 29 feet and 34 feet and the slope at the southern portion of the project site is 55 feet in height. The existing slopes on site were approved through Grading Plan (GP) 15-00020. The applicant is required to obtain a grading variance for three (3) slopes at the northern end of the project site. The proposed slope at the northwest corner of the project site is 34 feet in height; the slope at the north central portion of the project site is 39 feet in height; and the slope at the northeast corner of the project site, adjacent to South Twin Oaks Valley Road, is proposed to be 24 feet in height. All proposed slopes exceeding 20 feet in height are needed and unavoidable provided the existing grading of the site, topographical constraints of the site (cut and fill pad on a hillside), and the required access from Santa Barbara Drive as required by the San Marcos Fire Department. Furthermore, all proposed homes consist of earth tone colors that will blend in with surrounding natural hillside setting, landscaping will be installed within and

around the perimeter of the project site to blend in with natural surrounding vegetation, and the southern portion of the project sits below the South Twin Oaks Valley road street grade and will not be visible from the public right of way or surrounding neighborhoods.

4. The Multi-Family Site Development Plan is in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site.
5. The Multi-Family Site Development Plan, as conditioned, will create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site and provide safe and convenient access to the property for pedestrians, cyclists and vehicles. The project site is regulated under the Heart of the City Specific Plan which is proposed to be modified to allow Low Medium Density Residential (8-12 DU/AC per acre) development and establish development standards for the site. Special consideration has been taken to establish development standards such as setbacks, landscaping, architecture, and residential unit types to form an architectural theme for the development. A design manual has also been established for the project site which further refines these development standards by regulating architectural details & materials, landscaping, lighting standards, and walls & fences. The project has also been designed to provide a decomposed granite (DG) trail from Discovery Lake to the adjacent future South lake park, which is in compliance with the General Plan and Trails Master Plan.
6. The Multi-Family Site Development Plan includes the development of structures and landscaping that will implement the General Plan, Heart of the City Specific Plan, and California Building Code.
7. The Multi-Family Site Development Plan, as conditioned, will provide all required on-site and off-site public improvements as deemed necessary by the City Engineer.
8. The Multi-Family Site Development Plan provides parking and landscaping consistent with the proposed Specific Plan and City Zoning Ordinance and in a manner that visually enhances the physical use of the property.

NOW THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 17-005) is hereby recommended to the City Council for approval pursuant to the California Environmental Quality Act (CEQA).
- C. The project complies with all applicable design standards in the Heart of the City Specific Plan and Design Manual for Rancho Coronado (Areas E & F).
- D. This Multi-Family Site Development Plan is approved per the submitted site plan date stamped October 25, 2017, architectural elevations, materials board, and conceptual landscape plan, and subject to compliance with the conditions of approval of this Resolution PC 17-4654.

- E. The applicant/developer must comply with all applicable conditions as set forth in Resolution PC 17-4659 (Specific Plan 17-002), Resolution PC 17-4653 (General Plan Amendment 17-002), Resolution PC 17-4658 (Rezone 17-001), Resolution PC 17-4655 (Tentative Subdivision Map 17-003), Resolution PC 17-4657 (Grading Variance 17-003), and Resolution PC 17-4656 (Conditional Use Permit 17-006). All conditions are hereby incorporated by reference herein.
- F. Within thirty (30) days of the approval of Multi-Family Site Development Plan (MFSDP) 17-002, the final approved site plan, landscape plans, floor plans, and elevations shall be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution PC 17-4654." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any grading plan, improvement plan, or building permit submittal.
- G. The Planning Commission recommends to the City Council approval of Multi-Family Site Development Plan 17-002 per the submitted site plan, architectural elevations, materials board, and conceptual landscape plan, and subject to compliance with the following conditions:
 - 1. The applicant/developer must comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.
 - 2. The applicant/developer must ensure that prospective purchasers sign a disclosure acknowledging that the property is within the City's Community Facilities Districts Boundaries which are subject to supplemental tax assessments. Annexation into one or more of these districts and payment of in-lieu fees is required.
 - 3. The Applicant/Developer is responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.
 - 4. The Applicant/Developer must comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries and/or

serving the project. It shall be the Developers responsibility to determine all agencies with rights of approval for the proposed development.

5. Minor architectural adjustments to the approved Multi-Family Site Development Plan may be reviewed and processed administratively with the Planning and Engineering Divisions. Refinements to the approved plans shall only be considered within building envelopes on the approved Multi-Family Site Development Plan (MFSDP 17-0002).
6. The Applicant/Developer must comply with and implement all Mitigation Monitoring Program measures as outlined in Mitigated Negative Declaration (ND) 17-005.
7. The project applicant shall adhere to the requirements of the MOU dated January 17, 2017 between Brookfield Rancho Coronado LLC and the San Marcos Unified School District. The MOU identifies participation in a future funding agreement and formation and participation in Community Facilities District No. 8 of the San Marcos Unified School District.

H. Prior to issuance of any grading permit, the following conditions must be complied with:

1. The applicant must submit for a grading permit in accordance with San Marcos Municipal Code section 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
2. The applicant/ developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements. Securities and applicable fees for the construction of the public improvements shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.
3. The Property Owner shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction storm water treatment improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
4. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
5. The grading and landscaping design shall illustrate compliance with the latest approved Fire Protection Plan prepared by Firewise 2000, Inc.
6. The project shall incorporate fuel modification as follows: Zone A is a minimum 50-feet in width measures horizontally from the structure in all direction (360 degrees) and consists of irrigated landscaping of native or ornamental plants and shrubs usually less than 18 inches in heights. Zone A may contain occasional fire-resistant trees and single-well spaced ornamental shrubs up to 48 inches in height

intermixed with ground covers and lawn. All fire prone plant species must be removed. Within Zone A, no tree crowns will be permitted within 10 feet of a structure and no combustible building materials may be used.

7. For new traffic signals or signal modification(s), an in-lieu fee will be required for development of a traffic signal timing plan. Said fee shall be determined by the City's Traffic consultant/City Engineer and paid by the Applicant/ Developer.
8. The Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions.
9. At least 30 days prior to beginning project construction, the Project Applicant/Landowner shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre excavation agreement, or Agreement) with a Luiseño Tribe. A Luiseño Tribe shall provide input into the scope and content of the Agreement. At a minimum, the Agreement shall address the treatment of known cultural resources; the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
10. The project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe referenced in ND17-005. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the Agreement required in ND17-005, the archaeological monitor's authority to stop and redirect grading would be exercised in consultation with the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. The Luiseño Native American monitor shall be present at any pre-construction meetings that address earth and/or ground disturbing activities.
11. Temporary perimeter fencing shall be installed to separate the project footprint from adjacent non-impacted vegetation communities. A fencing plan and photographs documenting fence installation shall be submitted to the City Planning Manager for approval prior to initiation of ground disturbance or vegetation removal. The removal of temporary fencing shall only occur after all clearing and construction has been completed.

12. A Construction Staging/Site Phasing Plan must be submitted to the Fire Department for approval prior to permit issuance.
13. Plans must show permanent fencing to be provided for all backyards abutting proposed open space. In addition, signs shall be posted precluding access due to preserved habitat, defining habitat sensitivity, and prohibiting dumping. Residents shall be provided with educational handouts upon purchasing a home or annual newsletters detailing access restrictions, methods to minimize the impacts of domestic animals on wildlife, methods to prevent irrigation runoff, and sensitivity of adjacent habitats.
14. The applicant/developer must submit landscape plans for privately maintained areas to the Planning Division for review and approval per the following requirements:
 - a. Final landscape and irrigation plans must be prepared by a licensed landscape architect.
 - b. This project is subject to the payment of a landscape permit and inspection fee. Landscape plan check fees shall be paid based on 2% of the landscape professional's estimate (cost of materials & installation) for initial plan check and 2.5% of the landscape professional's estimate for the landscape permit and one field inspection. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
 - c. Landscape plans must contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
 - d. Plant material and irrigation design, as well as reporting requirements, shall comply with the Heart of the City Specific Plan, City of San Marcos Model Water Efficiency Landscape Ordinance, and shall be restricted to native and/or non-invasive plant species per the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory. BMPs shall be implemented during construction in accordance with National Pollutant Discharge Elimination System General Permit requirements.
 - e. The Applicant/Developer applicant must submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides.
 - f. All permanent Best Management Practices (BMPs) per the approved grading

plan must be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Storm Water Quality Management Plans.

I. Prior to issuance of any building permits, the following conditions must be complied with:

1. The final map shall be approved by the City and recorded at the San Diego County Recorder's Office.
2. The approved precise grading plans shall be attached to the building plans.
3. New buildings and remodeled structures must be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
4. Building plans and instruments of service submitted with a building permit application must be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
5. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
6. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that specifies fifteen percent (15%) of new housing construction must be affordable housing or the developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.
7. The applicant/developer must acquire and install an "Art in Public Places" art piece as required per Heart of the City Specific Plan. In-lieu of acquiring and installing a public art piece, the applicant/developer may pay an in-lieu fee in accordance with the Heart of the City Specific Plan.
8. Prior to issuance of a building permit for the recreation/pool building, the applicant must submit a design manual containing exhibits of all proposed outdoor furniture for review and approval.
9. All tot lot equipment must comply with the requirements of the Consumer Product Safety Commission (CPSC) and requirements of the Americans with Disabilities Act.
10. An architectural lighting plan shall be submitted for review and approval. All exterior lighting shall comply with the lighting standards outlined in San Marcos Municipal Code (SMMC) 20.300.080 and Mitigation Measure BIO-4d in ND 17-005, which states all exterior lighting adjacent to preserved habitat or South Lake Park, including street lighting, shall be limited to low pressure sodium sources of the lowest illumination allowed for human safety, selectively placed, shielded,

and directed away from preserved habitat to the maximum extent practicable.

11. Plans must demonstrate that all mechanical units, vents, ducts, etc. (roof mounted or ground mounted) will be screened from street grade and surrounding properties by parapet walls and/or architectural enhanced enclosures. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be architecturally screened. Cut sheets of actual units shall be included with plans. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
12. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The developer must indicate whatever the features are standard, limited, optional or not available, and the point of construction by which they must be requested.
13. Parking for the project, which requires 2.33 parking stalls (inclusive of garage spaces) for each residential unit, is reliant on a Parking Management Plan (PMP). Prior to final map recordation, the PMP must be reviewed and approved by the City and recorded with the San Diego County Clerk Recorder.
14. The Development shall demonstrate compliance with the latest approved Fire Protection Plan prepared by Firewise 2000, Inc. inclusive of all proposed structures..
15. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. Provide a copy of building plans in Geo-Referenced format to be used by the Fire Department for pre-fire planning purposes. Information shall specifically include a site plan, building plan, all Utility shut-offs, fire sprinkler risers and shut-off valves, the fire department connection for sprinkler and class-I standpipe, all standpipe hose outlets, all stairwells, retail spaces, living units -numbers /locations, fire alarm panels, elevators, fire hydrants and all Knox boxes and key switch locations. The following shall be used- Coordinate System Name: NAD_1983_StatePlane_California_VI_FIPS_0406_Feet
16. The project shall be designed to comply with the following Fire Department requirements:
 - a. Fire apparatus access roads shall have an unobstructed improved width of not less than 24 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Access roads shall be all weather surface and designed to support imposed loads of not less than 75,000 pounds.
 - b. Signs reading "NO PARKING FIRE LANE" are required. The number

of, placement and wording for all fire lane signs and/or red curbs shall be as required by CA. Vehicle Code, section 22500.1, 22658(a) and San Marcos Fire Department Standards.

- c. A lighted directory map, meeting current fire department standards, shall be installed at each driveway entrance to New multiple unit residential projects and mobile home parks, where the numbers of units in such projects exceed 15 and for large commercial developments, where deemed necessary by the Fire Department.
- d. The applicant shall provide and maintain 150 foot -fire/fuel breaks to the satisfaction of the San Marcos Fire Department. Fire/fuel breaks size and composition shall be determined by the Fire Department.
- e. Access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building. Buildings that are unable to achieve proper hosepull shall install wet class I standpipes in accordance with National fire protection Association (NFPA) 14. Buildings 1 thru 6 will need standpipes behind the buildings in a location approved by the Fire Dept. Standpipes shall not exceed 150 feet from one another. A minimum of three shall be installed behind buildings 1 thru 3 and another three shall be installed behind buildings 4 thru 6. Show the location(s) of the fire department connection(s) for these standpipes. An approved walkway to the standpipes and around the buildings shall be approved by the Fire Dept.
- f. New dwelling or structure is required to be designed using state fire marshal standards for fire resistive construction features per 2016 CBC, Chapter 7A.
- g. All vents to be installed shall prevent the intrusion of flames and burning embers. Indicate the type of vent to be installed.
- h. Any fencing within 5 feet of any structure shall be made of fire treated wood or a noncombustible material.
- i. An Automatic Fire Sprinkler System shall be installed in compliance with 2016 California Fire Code (CFC) and the most current edition of NFPA 13D. At least one fire sprinkler shall be installed in all covered patios that extend four feet or more. At least one fire sprinkler shall be installed in the attic if a fuel fired appliance is installed in the attic. A waterflow alarm (bell or horn strobe) shall be installed for each dwelling.
- j. Install bronze industrial fire hydrant. Minimum GPM shall be a minimum of 1500 GPM measured at 20 psi residual pressure for two hours. Industrial fire hydrants shall have two 4 inch ports and one 2.5 inch port. Installation shall be as per local Water District specifications. Hydrant type shall be Jones or Clow. All fire hydrants shall be color coded per

NFPA 291. Maximum spacing from one fire hydrant to the other shall not exceed 300 feet. Maximum spacing from a fire hydrant to any FDC (supplies wet Class I standpipes for buildings 1 thru 6) shall not exceed 50 feet.

- k. Gates or other devices that may obstruct fire access roadways shall be provided with Knox Key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure.
 - l. Knox Key Boxes shall be provided. A master key for entry to all gates, enclosures and equipment rooms or areas is required. Knox box shall be mounted in area approved by fire dept. at height of 60 to 66 inches above grade. Knox Box shall be type with side hinged door. A minimum of two knox boxes (at each entrance) shall be installed for buildings 9, 10, 11, 16, 17, 18, 27.
 - m. Panic hardware shall be installed for courtyard doors for buildings 9, 10, 11, 16, 17, 18, 27.
17. Residential structures shall be designed to comply with the following crime prevention measures approved by the City of San Marcos:
- a. Exterior doorjamb shall be installed with solid materials, i.e. full trimmers and king studs, for 6 inches away from the strike edge of the door. This prevents prying and jamb spreading, affording easy access.
 - b. Door stops on wooden jambs shall be one-piece construction or substantially fastened to the jamb to prevent easy access to the locking device.
 - c. Strike plates for deadbolts on wood framed door jambs shall be 16 gauge steel or equal, attached with two screws penetrating two inches into solid backing. Door guards, or armored plates, attached to the door with four 2-inch to 4-inch screws add protection against destruction of the wood around the deadbolt.
 - d. Louvered windows are to be avoided, unless 12 feet above ground level and 6 feet horizontally from an accessible surface, i.e. balcony, landing or stair tread.
 - e. Locking hardware for garage doors shall be mounted on 2 inch solid backing or frame members. Carriage bolts or equal are required to prevent removal of the hardware.
 - f. Garage doors exceeding 14 feet in width shall have two locking devices.

- g. All exterior doors, including doors from the garage to the side yard, shall be 1 ¾ inch solid wood or solid core construction.
 - h. All glass within 40 inches of any door lock shall be laminated safety glass or burglary resistant glass.
 - i. Doors shall have a wide angle 180-degree peephole.
 - j. Street addresses shall be prominently displayed on the curb face in a direct line with the front door and on the building wall closest to the street.
- 18. The Applicant/Developer must contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required. The developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment. The developer must inform the new owners that they own the mailboxes and are responsible for replacement.
- 19. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
- 20. The proposed development shall comply with the latest adopted California Green Building Code Standards. The city has adopted the mandatory standards and does not enforce the voluntary standards.
- 21. The proposed development must comply with the latest Federal Law, Americans with Disabilities Act and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
- 22. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges must be paid to the District prior to permit issuance.
- 23. The project requires plan check from the Vallecitos Water District. For more information regarding the submittal, please contact the Vallecitos Water District at (760) 744-0460 extension 233.
- 24. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.
- 25. The proposed new development is subject to the payment of School Fees as required by law and as agreed upon in the MOU between the Developer and San Marcos Unified School District. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
- 26. All utility equipment along pedestrian pathways and along street frontages must be placed underground consistent with General Plan Policy LU 17.3. Where the undergrounding of such equipment is not possible, the applicant/developer must

provide a building vault room, architecturally integrated screen wall around equipment, a solid architectural barrier with gates and a dense landscape material or other option approved by the City. The applicant is responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's meters, detector checks, fire hydrants, or other associated equipment along streets shall be placed outside the right of way to avoid reconstruction or modification of the facility. A design solution must be reviewed and approved by the City prior to issuance of a building permit.

27. Mitigation in the form of 4-foot barriers will be necessary at the balconies/decks of certain units (Units 9, 10, and 11) along Twin Oaks Valley Road shall be required to reduce sound levels to comply with the City of San Marcos noise standard of 65 dBA CNEL at the multi-family residences and outdoor useable areas. The barriers must be constructed of a non-gapping material (i.e., masonry, stucco, ¼ inch thick glass or Plexiglas).
 28. A final noise assessment shall be prepared prior to the issuance of the first building permit. This final report shall identify the interior noise requirements based upon architectural and building plans to meet the City's established interior noise limit of 45 dBA CNEL. Interior noise levels of 45 dBA CNEL can easily be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g., air conditioning) for each building and upgraded windows for all sensitive rooms (e.g., bedrooms and living spaces). The final noise assessment shall be reviewed and approved by the Planning Manager.
 29. All structures shall be designed to the current San Diego County Consolidated Fire Code, including current ignition resistant construction requirements, and California Fire Code, and shall be equipped with automatic interior fire sprinklers.
 30. A complete set of construction plans shall be submitted to the City and the necessary regulatory agencies for the construction of the parking lot at South Lake Park.
- J. During the grading and construction phase, the following conditions must be complied with:
1. All building construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
 2. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and

holidays.

3. The applicant/developer shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading and construction activities as specified in Section 6703.1 of the Professional Engineer Act.
4. A certificate of line and grade prepared by a registered civil engineer or a land surveyor shall be submitted for each pad of the respective building permit.
5. A soils compaction report prepared by a geotechnical engineer shall be submitted for each pad of the respective building permit.
6. Dust and dust producing materials must be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
7. A test sample of the proposed exterior colors and stucco finish must be applied to a mock-up 10' by 10' panel facing direct sunlight to be representative of the finished color scheme. This sample shall be inspected and approved by the Planning Division prior to painting of the buildings. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Manager. The Applicant/Developer shall be responsible to contact the Planning Division for inspection.
8. Prior to delivery of combustible building construction materials to the project site; the following conditions shall be completed to satisfaction of the Fire Dept. (1) Fire Hydrant(s) shall be installed, approved and usable. (2) Fire Lane or Access Roads shall be in place and provide a permanent all weather surface for emergency vehicles that support weight of fire apparatus (75,000 lbs).
9. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
10. Noise measurements of the rock crushing equipment within the first week of operations shall be conducted to ensure compliance with the City's applied 60 dBA Leq threshold. If noise levels are found to be above the established thresholds of 60 dBA at any existing single family residential use, 65 dBA at any multifamily use, or 70 dBA at any commercial use then additional mitigation in the form of berms or temporary walls shall be incorporated into the rock crusher design to reduce noise levels to below the City's thresholds. If a barrier is required, it shall be one to two feet higher than the crusher. The barrier shall be an earthen berm, 5/8-inch plywood, 1-inch acoustical blankets, or a combination of these materials.
11. Permanent fencing shall be provided for all backyards abutting proposed open

space. In addition, signs shall be posted precluding access due to preserved habitat, defining habitat sensitivity, and prohibiting dumping. Residents shall be provided with educational handouts upon purchasing a home or annual newsletters detailing access restrictions, methods to minimize the impacts of domestic animals on wildlife, methods to prevent irrigation runoff, and sensitivity of adjacent habitats.

12. An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to areas of previously undisturbed soil to assure that any potential cultural resources, including tribal, found during project grading are protected.
13. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement referenced in ND 17-005. Such treatment may include, but does not require, curation at a facility that meets the criteria contained in 36 C.F.R. Part 79, or if requested by the appropriate Tribe, re-burial on-site, i.e., a non-curation alternative. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods would be repatriated to the "Most Likely Descendant" as determined by the NAHC per California Public Resources Code Section 5097.98.
14. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
15. If inadvertent discoveries of subsurface archaeological/cultural resources, not including human remains or associated burial goods which are addressed in ND17-005, are discovered during grading, the Developer, the project archaeologist, and the Luiseño Tribe under agreement with the landowner described in ND17-005 shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.
16. If cultural resources are inadvertently discovered during the project's earth and/or ground disturbing activities, a controlled grade may be required. A controlled grade procedure would require that earth and/or ground disturbing equipment operate at a deliberate pace, in a specialized manner and work in controlled

increments as determined by the Native American monitor and project archaeologist. Equipment would need to meet specific requirements regarding weight, attachments and type of wheels, as determined by the project archaeologist.

17. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site, and if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the "most likely descendant(s)" of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours of being granted access, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
 18. At least one (1) copy of the approved plans, approved letters, and conditions of approval must be available for review at the subject site at all times.
 19. The applicant/developer shall comply with the City of San Marcos Climate Action Plan, Chapter 3.5, Implementation Actions O-1.1 & O-1.2 regarding Construction Equipment Efficiency and Fuels.
- K. Within 45 days prior to model opening, the developer must provide to the City a detailed status/checklist of all items that must be completed prior to occupancy in accordance with all conditions of approval.
- L. Prior to occupancy, the following conditions must be complied with:
1. The proposed development must satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.
 2. The project must be completed in accordance with the approved site plan, floor plan, landscape plan, and elevations drawings. All public infrastructure improvements as shown on the grading and improvement plans shall be constructed per a City approved phasing plan and to the satisfaction of the City Engineer and Public Works Director.
 3. Address numbers for each building shall be placed in a position that is contrasting in color and plainly visible from street or road fronting the property. Building numbers shall be 12" inches high with a minimum stroke of 1-1/2 inches.

Individual townhouse numbers shall be a minimum of 4 inches in height.

4. All applicable easements, agreements (including encroachment agreements), and Codes, Covenants, and Restrictions (CC&Rs) must be recorded.
5. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.
6. The applicant/developer must provide a digital format acceptable to the City for all approved working drawings including street improvements, site plan, elevations, landscape and other design document as required by the City. Contact the City to verify appropriate format before sending to the City.
7. All perimeter walls and perimeter landscaping must be completed, inspected, and approved.
8. All recreation facilities (pool, common open space areas, etc.) must be completed in accordance with the City approved phasing plan.
9. Prior to occupancy of buildings 9, 10, and 11, mitigation in the form of 4-foot barriers will be necessary at the balconies/decks of the units along Twin Oaks Valley Road shall be installed to reduce sound levels to comply with the City of San Marcos noise standard of 65 dBA CNEL at the multi-family residences and outdoor useable areas. The barriers must be constructed of a non-gapping material (i.e., masonry, stucco, ¼ inch thick glass or Plexiglas).
10. The project applicant shall contribute a fair share toward the cost of installing a traffic signal at the intersection of Discovery Street/Bent Avenue-Craven Road. Payment of the fair share fees shall be made prior to occupancy of first production (non-model) home.
11. The project applicant shall contribute a fair share toward the cost of installing a traffic signal at the intersection of Craven Road/Santa Barbara Drive. The signal shall be interconnected with the signal at the Craven Road/Echo Lane intersection due to the close spacing between the intersections. Due to the close spacing between this intersection and the Craven Road/Echo Lane intersection, a signal interconnect would be required between the two intersections. Payment of the fair share fees shall be made prior to occupancy of first production (non-model) home.
12. The project applicant shall contribute a fair share toward the cost of installing a traffic signal at the intersection of Craven Road/Santa Barbara Drive. The signal

shall be interconnected with the signal at the Craven Road/Echo Lane intersection due to the close spacing between the intersections. Payment of the fair share fees shall be made prior to occupancy of first production (non-model) home.

13. The project applicant shall contribute a fair share toward the cost of modifying the southbound approach of the San Elijo Road/Melrose Drive intersection to: 1) convert the existing shared left-turn/through lane to a second exclusive left-turn lane, and convert the existing right-turn lane to a shared through/right-turn lane; 2) modify the signal phasing on the northbound and southbound approaches to convert from split phasing to protected left-turn phasing; and 3) widen the east side of the north leg of the intersection by approximately 6-8 feet to shift all lanes and the raised median on the north leg eastward to minimize the lane offset between the north and south legs of the intersection. Payment of the fair share fees shall be made prior to occupancy of first production (non-model) home.
 14. The project applicant shall install a traffic signal at the intersection of Twin Oaks Valley Road/Project Backbone Intersection. The traffic signal shall be installed prior to occupancy of first production (non-model) home.
 15. The construction of the parking lot for South Lake Park as shown on the approved tentative map shall be complete to the satisfaction of the City Engineer and VWD. At the discretion of the Planning Manager, occupancy for a portion of residential development shall be permitted if the construction of the parking lot cannot be completed within a reasonable time due to the review of the project by the United States Fish and Wildlife Service, United States Army Corps of Engineers and other regulatory agencies.
 16. All applicable easements and agreements shall be recorded prior to occupancy.
 17. A lighted directory map, meeting current fire department standards, shall be installed at each driveway entrance and where deemed necessary by the Fire Department.
 18. The site must be inspected and approved by the San Marcos Fire Department.
- M. The building owner must retain all records of initial and annual inspections and submit copies to the Fire Department.
- All landscaping onsite must be adequately maintained and kept free of weeds, trash, debris, and dead vegetation.
- N. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- O. Developer/Applicant shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or

requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.

- P. Multi-Family Site Development Plan Review approval shall lapse and shall be null and void two (2) years following the date upon which the plans and drawings were approved by the review authority unless, prior to the expiration of two (2) years, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.
- Q. To the extent permitted by law, the applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Developer or its contractors, subcontractors, agents, employees or other persons acting on Developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 6th day of November, 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 17-4655

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A TENTATIVE SUBDIVISION MAP (TSM 17-003) TO CONSTRUCT 220 RESIDENTIAL CONDOMINIUM UNITS ON 8 LOTS WITHIN THE HEART OF THE CITY SPECIFIC PLAN AREA IN THE BARHAM DISCOVERY COMMUNITY

TSM 17-003
(P17-0015)

Brookfield Residential Properties

WHEREAS, on February 27, 2017 an application was received from Brookfield Residential Properties requesting a Tentative Subdivision Map (TSM 17-003) to develop 220 residential condominium on eight (8) lots (including a public street dedication) on 23.22 acres located at the southwest corner of South Twin Oaks Valley Road and South Village Drive within the Heart of the City Specific Plan, more particularly described as:

Lot 129 of Subdivision Map 16154 and portions of the northeast quarter of the southwest quarter of section 23, township 12 south, range 3 west, in the City of San Marcos, County of San Diego, State of California.
Assessor Parcel Numbers: 222-170-36-00, 222-170-37-00, and a portion of 222-190-02-00

WHEREAS, the Development Services Department did study said request and recommends approval of the requested project; and

WHEREAS, Tentative Subdivision Map (TSM) 17-003 is being requested in conjunction with a General Plan Amendment (GPA 17-002) to modify the permitted General Plan land use designations on the subject site from Heart of the City Specific Plan "MU-4 Mixed Use (Nonresidential)" and Park (P) to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Specific Plan Amendment (SP 17-002) to modify the permitted specific plan land use designations on 22.94 acres of the project site from Heart of the City Specific Plan "MU-4 Mixed Use (Nonresidential)" to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Rezone (R17-001) to modify the zoning designation on 0.28 acres of the project site from Public Institutional (PI) to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Multi-Family Site Development Plan (MFSDP 17-002) to construct 220 residential condominium units on the project site, a Grading Variance (GV 17-003) to allow for slopes in excess of 20 feet, and a Conditional Use Permit (CUP 17-006) to allow for the temporary use of a rock crusher during project construction; and

WHEREAS, the Development Services Department held public workshops for the project on April 18, 2017 and June 21, 2017; and

WHEREAS, the required public hearing held on November 6, 2017 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the subject site has been annexed into Community Facility Districts (CFD) 98-02 Special Improvement Area (SIA) F-55: Lighting, Landscape and Street Maintenance, CFD 98-01 IA #1: Police Only, CFD 2001-01: Fire and Paramedic, and CFD 2011-01 Congestion Management; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 17-

005) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission has considered said Tentative Subdivision Map and the recommendation of its staff, the City Engineer, the Director of Public Health, the Director of the Department of Sanitation and Flood Control, and the Chief of the San Marcos Fire Department with respect thereto, and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, standards, and improvements and design requirements of the City of San Marcos; and

WHEREAS, the Applicant/Developer proposes to file a Final Map on said subdivision; and

WHEREAS, the Planning Commission's decision is based upon the following findings and determinations:

1. Said Tentative Subdivision Map (TSM 17-003) complies with the goals, policies, and objectives of the adopted Heart of the City Specific Plan as amended through SP 17-002 in that the map meets the required density for the Low Medium Density Residential (LMDR) (8-12 dwelling units per acre) development in the Heart of the City Specific Plan and the map allows for compliance with the required development standards (i.e. setbacks, height, parking, etc.) per the LMDR standards in the Heart of the City Specific Plan.
2. The proposed map is consistent with the General Plan as amended through GPA 17-002 in accordance with the following:

San Marcos General Plan Land Use Goal LU-1: The project helps achieve a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community.

The proposed development serves as a continuation of residential development currently under construction immediately north of the project site (Low Medium Density Residential 8-12 dwelling units per acre), existing development to the north (High Density Residential 15-20 dwelling units per acre), and east (Single Family Residential 2-4 dwelling units per acre). Furthermore, the proposed product sizes (ranging from 725 square feet to 1,661 square feet) are smaller than the product sizes in the Rancho Tesoro development to the north (ranging from 2,211 square feet to 3,565 square feet) and provide a wider variety of housing choices in the Barham Discovery Community of San Marcos and the City as a whole.

San Marcos General Plan Housing Element Goal 1: Provide a broad range of housing opportunities with emphasis on providing housing which meets the special needs of the community.

The project proposes to replace land designated for a business park with Low Medium Density Residential (8-12 dwelling units per acre). The proposed product sizes (ranging from 725 square feet to 1,661 square feet) are smaller than the product sizes in the Rancho Tesoro development to the north (ranging from 2,211 square feet to 3,565 square feet) and provide a wider variety of housing choices in the Barham Discovery Community of San Marcos and the City as a whole.

San Marcos General Plan Land Use Goal LU-5: The project requires approval of a specific plan which requires high quality design, orientation and development due to

their location of visibility within the community (San Marcos General Plan Policy LU5.6) which in turn helps to promote community design that produces distinctive, high quality built environment with forms and character that create memorable places and enrich community life.

The project site is regulated under the Heart of the City Specific Plan which is proposed to be modified to allow Low Medium Density Residential (8-12 DU/AC per acre) development. Special consideration has been taken to establish development standards such as setbacks, landscaping, architecture, and residential unit types to form an architectural theme for the development. A design manual has also been established for the project site which further refines these development standards by regulating architectural details and materials, landscaping, lighting standards, and walls and fences. Implementation of the design standards in the Heart of the City Specific Plan and the Rancho Coronado Design Manual will ensure orderly development and the project stays within the intent and character of the neighborhood.

3. The site is physically suitable for this type of development in that the site is already graded and the density of the subdivision (9.47 dwelling units per acre) allows for acceptable grades and setbacks;
4. The design of this subdivision and improvements will not cause public health issues in that the site will be serviced with adequate infrastructure such as gas, water, sewer, electric, and other public facilities; the project will be built in conformance with the California Building Code and California Fire Code, and, the site will be serviced with adequate police and fire service;
5. The design or improvements will not conflict with any easements acquired by the public at large for access;
6. The project will conform with all mitigation measures as outlined in Mitigated Negative Declaration (ND) 17-005 in compliance with the California Environmental Quality Act (CEQA);
7. The proposed subdivision meets all requirements of the Heart of the City Specific Plan as amended through SPA 17-002, Title 17 and Title 19 of the San Marcos Municipal Code (SMMC), and the Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

- A. The foregoing recitals are true and correct.
- B. The Tentative Subdivision Map (TSM 17-003) complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. A Mitigated Negative Declaration (ND 17-005) for this project is hereby recommended to City Council for adoption pursuant to the California Environmental Quality Act (CEQA) covering potential impacts of the Tentative Subdivision Map.
- D. Said Tentative Subdivision Map (TSM 17-003) is hereby recommended for approval pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this Resolution.
- E. Approval of this Tentative Subdivision Map (TSM 17-003) expires within two years from date of approval. The Final Map conforming to this conditionally approved Tentative Subdivision Map

(TSM 17-003) shall be filed with the City Council in time so that the Council may approve said maps before their expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, or as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a re-filing of the Tentative Subdivision Map and new processing of the map.

F. The Tentative Subdivision Map (TSM 17-003) is hereby recommended to City Council for approval in conjunction with submitted General Plan Amendment 17-002 (Resolution PC 17-4653), Specific Plan Amendment 17-002 (Resolution PC 17-4659), Rezone 17-001 (Resolution PC 17-4658), Multi-Family Site Development Plan 17-002 (Resolution PC 17-4654), Conditional Use Permit 17-006 (Resolution PC 17-4656), and Grading Variance 17-003 (Resolution PC 17-4657).

G. General Provisions:

1. The Applicant/ Developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions or as authorized by the Heart of the City Specific Plan, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.
2. During all phases of the project, the applicant must comply with all mitigation measures as specified in the approved Mitigated Negative Declaration (ND 17-005), and satisfy the mitigation monitoring program.
3. The Applicant/ Developer shall ensure prospective buyers sign disclosures identifying the property as being within the City's Community Facilities Districts (CFD's) for which there are additional tax assessments. The disclosure shall indicate what the projected assessments are anticipated to be for the respective CFD's, both in the near future and at ultimate subdivision build out.
4. No engineering permit shall be construed as providing exemption to applicable or adopted City standards. Any changes or modifications to City adopted, obligatory, or conditioned standards shall not occur without the explicit permission of the City Engineer or his designee. Where these standards are in conflict applicant/developer shall bear the responsibility of garnering clarification from the City Engineer. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this project of issuance of an engineering permit.
5. Unless a standard variance has been issued, or allowed by the adopted Specific Plan, no variance from City Standards is authorized by virtue of approval of this tentative map.
6. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.
7. The Homeowner's Association is required to provide written notification to the City when they assume water quality BMP maintenance responsibilities from the Developer.
8. The applicant/ developer shall comply with all regulatory permit requirements associated

with this development project.

9. The applicant/developer shall comply with all conditions of approval in General Plan Amendment 17-002 (Resolution PC 17-4653), Specific Plan Amendment 17-002 (Resolution PC 17-4659), Rezone 17-001 (Resolution PC 17-4658), Multi-Family Site Development Plan 17-002 (Resolution PC 17-4654), Conditional Use Permit 17-006 (Resolution PC 17-4656), and Grading Variance 17-003 (Resolution PC 17-4657) incorporated herein.
 10. All development standards shall be complied with per the approved Heart of the City Specific Plan and Rancho Coronado Residential Development & Design Standards manual as adopted under SP 17-002.
 11. The approved Tentative Subdivision Map shall be submitted as a digital file on a CD including the approving resolutions as the title page. This title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolutions PC 17-4653 (GPA 17-002), PC 17-4659 (SP 17-002), PC 17-4658 (R 17-001), PC 17-4655 (TSM 17-003), PC 17-4654 (MFSDP 17-002), PC 17-4656 (CUP 17-006), and PC 17-4657 (GV 17-003)." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any final map, grading plan, improvement plan, or building permit submittal.
- H. Prior to or concurrent with the recordation of a final map, the applicant/ developer shall comply with the following conditions:
1. This project applicant shall apply for a public improvement permit complaint with SMMC 14.16. All plans submitted for public improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the conditions contained herein. The plans shall include design for all public improvements shown on the approved tentative map and required by the mitigation measures including but not limited to Street 'C', multi-use trails, traffic signal design at Street 'C' & Twin Oaks Valley Road, CFD landscaping, public utilities, fire hydrants, etc. All appropriate fees shall be paid for the processing of the permit.
 2. The applicant must submit a utility plan with the public improvements plans that demonstrates no above ground utilities will be visible to the public. All proposed pad mounted and pedestal equipment must be placed underground consistent with General Plan Policy LU 17.3. Where undergrounding of equipment is not feasible, facilities must be screened with a solid architectural barrier with gates and a dense landscape material. The applicant is responsible for acquiring all associated easements required by the utility companies for such work. All proposed utilities along Twin Oaks Valley Road, Street 'C', and Santa Barbara Drive must be undergrounded or screened to the satisfaction of the City.
 3. A light emitting diode street lighting system shall be shown on the street improvement plans and shall be installed and energized for 18-months at locations specified by the City Engineer at no cost to the public. All installations shall be compliant with the City's Street Lighting Standards.

4. All trail systems fronting and within the project shall be designed per City of San Marcos' Master Trails Plan and to the satisfaction of the appropriate City Departments.
5. Applicant/ developer shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.
6. The applicant/ developer shall dedicate to the City of San Marcos easements and/or rights-of-way for all public streets, utilities, trails, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
7. The applicant/ developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements. Securities and applicable fees for the construction of the public improvements shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.
8. All exterior lighting adjacent to preserved habitat or South lake park, including street lighting for Street 'C', shall be limited to Low pressure Sodium sources of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from preserved habitat to the maximum extent possible.
9. The applicant/ developer shall acquire the additional land from Vallecitos Water District (VWD) as shown on the approved tentative map. If the acquisition of the land occurs as part of a boundary adjustment, the boundary adjustment shall be recorded prior to final map approval.
10. The Final Map shall include a statement to indicate that all streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by an Individual Homeowners Association/Master Homeowners Association.
11. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Manager prior to approval of the Final Map. The phasing plan may be subject to further conditions. Should the applicant/developer decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Planning Division Manager. Other conditions may be imposed by the City Engineer and Planning Division Manager to allow out-of-phase construction.
12. The applicant/ developer shall obtain all interests in real property for all offsite public improvements and shall dedicate the same to the City. The applicant/developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to permit issuance.
13. Direct access rights to all parcels abutting the proposed Street 'C' shall be relinquished to the City on the Final Map.

14. Lot lines shall be as near radial as possible to street right-of-way at cul-de-sacs and knuckles as possible, and shall not exceed more than ten (10) degrees from radial from right-of-way except as approved by the City Engineer.
15. A Transportation Demand Management (TDM) Plan shall be submitted for review and approval by the City Engineer and Planning Division Manager.
16. The applicant/developer shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map. The names provided shall be subject to review and approval by the City's Street naming Committee. Maintenance of private open space areas and slopes shall be the responsibility of an Individual Homeowners Association/Master Homeowners Association. All remaining open space lots, improvements and slopes that the City agrees to maintain must comply with City's criteria for maintenance for the Community Facility District No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance).
17. All Community Facility District (CFD) landscape slopes shall be dedicated as CFD landscape maintenance easements on the Final Map. Applicant/developer shall dedicate any required municipal access easements to said slopes.
19. All public trails, parks, and open space areas outside of the public right of way shall be dedicated for "general municipal purposes" as required by the City of San Marcos. All open space areas and lots shall be provided with adequate access for maintenance from a public street.
20. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed to the satisfaction of the City Engineer.
21. The Applicant/Developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries. It shall be the Applicant/Developers responsibility to determine all agencies with rights of approval for the proposed development.
22. A Parking Management Plan (PMP) shall be submitted to the Planning Division Manager for final review and approval which shall include the following components: ensuring the plan is sufficiently funded to implement the PMP to monitoring use of designated interior private parking spaces & storage, the designated driveways allowing parking in front of the garage and street parking on private streets. These parking restrictions will be placed on private streets within this development and actively monitored by the HOA. The HOA shall adhere to strict enforcement of the PMP including towing of vehicles that violate the policies. There shall also be a prohibition on any type of storage that would prevent parking of a home owner's vehicle in garage areas. This document shall be included in the CC&Rs, and a disclosure state must be signed by all residents owning the dwelling.
23. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos Development Services Department for review and approval. At a minimum, the CC&R's shall describe the Home Owners Association (HOA) maintenance responsibilities, parking restrictions, fuel modification maintenance, building restrictions per the approved fuel management plan, water quality Best Management Practices (BMP's), applicable

Mitigation Measures as specified in Mitigated Negative Declaration (ND) 17-005, City reporting responsibilities, and any regulatory agency permit responsibilities as follows:

- a. The applicant and all persons, firms or corporations owning the property subject to this subdivision at the time of the recording of the Final Maps and their heirs, administrators, executors, successors and assignees, shall operate, maintain and repair the open space, recreational facilities and private improvements for common use and benefit of the residents, approved by the City Council primarily for the benefit of the residents, and shall continue to operate, maintain and repair such open space, facilities, improvements for common use and benefit of the residents.
- b. The City Attorney shall approve the wording of by-laws and articles of incorporation of the proposed Homeowner's Association in writing prior to the creation of said Homeowner's Association.
- c. The lot(s) designed for recreational use shall include such passive and active amenities such as trails, picnic tables, tot lots with type and quantity of play equipment and grass areas. Said recreational amenities shall be delineated as part of the combined master recreation/landscape plan for the project's Specific Plan.
- d. At the time said Final Map(s) are recorded in the Office of the County Recorder, there also shall be recorded a document signed by all persons, firms, and corporations having an interest in the property shown on said Final Maps and by the City of San Marcos. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos, shall provide for the enforcement of its terms by the City of San Marcos, and shall establish for the benefit of all property shown on said Final Maps, a restriction that the area to be used as open space and for recreational facilities be for the use and benefit of the occupants of the property shown on said Final Maps. Said document shall provide that said restriction shall run with the land and bind all owners of the property shown on said Final Maps and their successors for a period of 20 years from the date of recording the restriction, after which time the restriction shall be automatically extended for successive periods of 20 years, unless an instrument signed by a majority of the then owners of the dwelling lots and by the City of San Marcos has been recorded agreeing to change the restriction in whole or in part.
- e. At the same time the Final Maps are recorded, there shall also be recorded a document, signed by all persons, firms and corporations having an interest in the property shown on the Final Maps, whereby said persons, firms and corporations accept the terms and conditions of this Tentative Subdivision map and agree with the City of San Marcos to comply therewith. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos.
- f. CC&R's shall be approved by the City prior to recordation of the CC&Rs. CC&R's shall contain a provision that requires that private garages shall be used for the parking of cars in the designated interior area of 200 square feet for single car garages and 400 square feet for double car garages. Said area cannot be used for storage other than a vehicle. This restriction shall also be incorporated as part of the Parking Management Plan (PMP).
- g. CC&R's shall include any restrictions within the development for compliance with

- h. The developer shall submit a Permanent Master Maintenance Plan for final review and approval by Developmental Services. This document will be included as an attachment to the CC&R's. The plan shall depict the maintenance responsibilities for privately maintained facilities by the HOA and the facilities maintained by the City through CFD 98-02, Special Improvement Area F-55.
- i. CC&R's shall include a copy of the Parking Management Plan and the Transportation Demand Management Plan.

23. The developer shall record an over flight notification document in association with the approval of any new residential land use within the McClellan-Palomar Airport Influence Area (AIA) over flight notification area consistent with the Airport Land Use Compatibility Plan as adopted under the General Plan Safety Element under Goals S-7, Policy S-7.1, Figure 6-5 McClellan-Palomar Airport Influence Area.
- I. Prior to issuance of a grading permit, the applicant/developer shall comply with the following conditions:
1. The applicant/developer shall submit for a grading permit in accordance with the San Marcos Municipal Code section 17.32 and all related Land Development/ Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
 2. The Property Owner shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction storm water treatment improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
 3. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
 4. The grading and landscaping design shall illustrate compliance with the latest approved Fire Protection Plan prepared by Firewise 2000, Inc.
 5. The project shall incorporate fuel modification as follows: Zone A is a minimum 50-feet in width measures horizontally from the structure in all direction (360 degrees) and consists of irrigated landscaping of native or ornamental plants and shrubs usually less than 18 inches in heights. Zone A may contain occasional fire-resistant trees and single-well spaced ornamental shrubs up to 48 inches in height intermixed with ground covers and lawn. All fire prone plant species must be removed. Within Zone A, no tree crowns will be permitted within 10 feet of a structure and no combustible building materials may be used.
 6. For new traffic signals or signal modification(s), an in-lieu fee will be required for development of a traffic signal timing plan. Said fee shall be determined by the City Engineer and paid by the Applicant/ Developer.
 7. Final landscaping and irrigation plans for privately maintained areas shall be submitted to

the City for review prior to the issuance of a rough grading permit. Final approval of the landscape plans shall be obtained prior to the issuance of the precise grading permit. Landscape plan submittals are to be prepared and signed by a licensed professional. Landscape plan check fees shall be paid based on 2% of the landscape professional's estimate (cost of materials & installation) for initial plan check and 2.5% of the landscape professional's estimate for the landscape permit and one field inspection. Landscape plans must demonstrate compliance with the City of San Marcos Water Efficiency Landscape Ordinance. The Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions.

8. At least 30 days prior to beginning project construction, the Project Applicant/Landowner shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre excavation agreement, or Agreement) with a Luiseño Tribe. A Luiseño Tribe shall provide input into the scope and content of the Agreement. At a minimum, the Agreement shall address the treatment of known cultural resources; the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
9. The project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe referenced in ND17-005. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the Agreement required in ND17-005, the archaeological monitor's authority to stop and redirect grading would be exercised in consultation with the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. The Luiseño Native American monitor shall be present at any pre-construction meetings that address earth and/or ground disturbing activities.
10. Temporary perimeter fencing shall be installed to separate the project footprint from adjacent non-impacted vegetation communities. A fencing plan and photographs documenting fence installation shall be submitted to the City Planning Manager for approval prior to initiation of ground disturbance or vegetation removal. The removal of temporary fencing shall only occur after all clearing and construction has been completed.
11. A Construction Staging/Site Phasing Plan must be submitted to the Fire Department for approval prior to permit issuance.
12. Plans must show permanent fencing to be provided for all backyards abutting proposed open space. In addition, signs shall be posted precluding access due to preserved habitat, defining habitat sensitivity, and prohibiting dumping. Residents shall be provided with educational handouts upon purchasing a home or annual newsletters detailing access

restrictions, methods to minimize the impacts of domestic animals on wildlife, methods to prevent irrigation runoff, and sensitivity of adjacent habitats.

13. A complete set of construction plans shall be submitted to the City and the necessary regulatory agencies for the construction of the parking lot at South Lake Park.
- J. Prior to issuance of the grading permit or any disturbance for South Lake Park, the applicant/developer shall comply with all biological mitigation measures outlined in the Mitigated Negative Declaration (ND 17-005) to the satisfaction of the Planning Manager.
1. The South Lake parking lot shall have permanent fencing along the boundary with open space with exception of the trail entrance. Landscaping shall be restricted to native and/or non-invasive plant species per the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory. BMPs shall be implemented during construction in accordance with National pollutant Discharge Elimination System General Permit requirements.
 2. A biologist with a 10(a) permit for California gnatcatcher (CAGN) shall conduct United States Fish & Wildlife Service (USFWS) protocol presence/absence surveys for CAGN prior to initiation of vegetation clearing. A total of nine surveys shall be conducted unless alternative protocol is agreed to by the United States Fish and Wildlife Service because of the small size of the site and the current site condition. Should CAGN be detected during protocol surveys, the project proponent will initiate consultation with USFWS to determine if an incidental take permit is required.
 3. If CAGN is not detected during the above referenced protocol presence/absent surveys (condition J.2) and 30 days or more have passed since the completion of those surveys, prior to clearing and grubbing of vegetation, a biologist with a 10(a) permit for CAGN shall conduct a minimum of three focused preconstruction surveys, on separate days, to determine the presence of CAGN in the project impact footprint. Surveys shall begin a maximum of 30 days prior to performing vegetation clearing/grubbing, and one survey shall be conducted the day immediately prior to the initiation of vegetation clearing. If any CAGN are found in the project impact footprint, the project proponent will initiate consultation with USFWS to determine if an incidental take permit is required. Survey results shall be submitted to the City Planning Manager for concurrence prior to initiation of ground disturbance or vegetation removal.
 4. The project applicant shall compensate for the permanent loss of DCSS through the purchase of DCSS in-lieu fee or mitigation bank credits at a 2:1 ratio prior to disturbance of DCSS. Proof of mitigation bank credit purchase shall be provided to the Planning Manager prior to the issuance of a grading permit.
 5. The Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions.
 6. At least 30 days prior to beginning project construction, the Project Applicant/Landowner shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre excavation agreement, or Agreement) with a Luiseño Tribe. A Luiseño Tribe shall provide input into the scope and content of the Agreement. At a minimum, the Agreement

shall address the treatment of known cultural resources; the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.

7. The project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe referenced in ND17-005. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the Agreement required in ND17-005, the archaeological monitor's authority to stop and redirect grading would be exercised in consultation with the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. The Luiseño Native American monitor shall be present at any pre-construction meetings that address earth and/or ground disturbing activities.
8. Temporary perimeter fencing shall be installed to separate the project footprint from adjacent non-impacted vegetation communities. A fencing plan and photographs documenting fence installation shall be submitted to the City Planning Manager for approval prior to initiation of ground disturbance or vegetation removal. The removal of temporary fencing shall only occur after all clearing and construction has been completed.
- K. Prior to delivery of combustible building construction materials to the project site; the following conditions must be completed to satisfaction of the Fire Dept. (1) Fire Hydrant(s) shall be installed, approved and usable. (2) Fire Lane or Access Roads shall be in place and provide a permanent all weather surface for emergency vehicles that support weight of fire apparatus (75,000 lbs).
- L. During construction, the applicant/developer shall comply with the following conditions:
 1. The applicant/developer shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading and construction activities as specified in Section 6703.1 of the Professional Engineer Act.
 2. Noise measurements of the rock crushing equipment within the first week of operations shall be conducted to ensure compliance with the City's applied 60 dBA Leq threshold. If noise levels are found to be above the established thresholds of 60 dBA at any existing single family residential use, 65 dBA at any multifamily use, or 70 dBA at any commercial use then additional mitigation in the form of berms or temporary walls shall be incorporated into the rock crusher design to reduce noise levels to below the City's thresholds. If a barrier is required, it shall be one to two feet higher than the crusher. The barrier shall be an earthen berm, 5/8-inch plywood, 1-inch acoustical blankets, or a combination of these materials.
 3. The applicant/developer shall comply with the City of San Marcos Climate Action Plan, Chapter 3.5, Implementation Actions O-1.1 & O-1.2 regarding Construction Equipment Efficiency and Fuels.

4. The applicant/developer shall submit a traffic control plan for all phases of construction for approval by the Public Works Director. Said plan shall include all traffic control devices including traffic signals as required.
5. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
6. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or holidays observed by the City of San Marcos. Failure to comply with result in the issuance of citations. Citations required a mandatory court appearance in North County Superior Court and courts costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place to insure that hours of work violations will not occur.
7. During grading and construction operations, the applicant/developer shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
8. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
9. The applicant/developer shall satisfy the habitat creation both on- and offsite to meet the required mitigation amounts.
10. All grading shall be supervised by a Geotechnical Engineer who shall prepare a written as-graded report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and on the approved project plans. If the work was not completed in accordance with the geotechnical report and/ or approved plans, the as-graded report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically identified in the initial report of subsurface conditions.
11. Clearing and grubbing of Diegan Coastal Sage Scrub (DCSS) must occur between September 1 to February 14 outside of the CAGN breeding season.
12. Brushing and grading shall be restricted to September 1 to February 14, which is outside of the breeding season of most bird species. Grubbing, grading, or clearing during the breeding season (February 15 to August 31) of MBTA-covered species may occur if it is determined via a preconstruction survey conducted no more than three days prior to grubbing, grading, or clearing that no nesting birds or birds displaying breeding or nesting behaviors are present. Survey results shall be submitted to the City Planning Manager for concurrence prior to initiation of ground disturbance or vegetation removal.

13. A biological monitor shall be on site when DCSS is being cleared and/or construction activities are occurring within 100 feet of non-impacted native vegetation communities. The monitor shall inspect adjacent habitats for excessive amounts of dust and recommend remedial measures to address dust control if necessary. Such remedial dust control measures could include, but are not limited to, applying water to suppress fugitive dust, loading and unloading stockpiled soil on the downwind side of the stockpile, requiring that haul trucks cover their loads, covering or revegetating bare ground as quickly as possible upon the completion of ground disturbance, and installing dust control fencing if needed.
14. Permanent signs shall be placed every 100 feet along the fence bordering the Rancho Coronado biological preserve. The signs shall be corrosion resistant, no less than three feet above the ground surface, have minimum dimensions of 6" x 9", and must state the following:

*Sensitive Environmental Resources
Disturbance Beyond this point is Restricted
By Easement
Information:
Contact (Name of Conservancy)*

A permanent sign shall also be placed at the parking lot trailhead indicating that South Lake Park supports sensitive habitat and wildlife, use existing trails, keep dogs on leashes, and only dispose of trash in trash receptacles.

15. Permanent fencing shall be provided for all backyards abutting proposed open space. In addition, signs shall be posted precluding access due to preserved habitat, defining habitat sensitivity, and prohibiting dumping. Residents shall be provided with educational handouts upon purchasing a home or annual newsletters detailing access restrictions, methods to minimize the impacts of domestic animals on wildlife, methods to prevent irrigation runoff, and sensitivity of adjacent habitats.
16. The parking lot shall have permanent fencing along the boundary with open space with the exception of the trail entrance. Landscaping shall be restricted to native and/or non-invasive plant species per the Cal-IPC Invasive Plant Inventory. BMPs shall be implemented during construction in accordance with National Pollutant Discharge Elimination System General Permit requirements.
17. All exterior lighting adjacent to preserved habitat or South Lake Park, including street lighting for Street 'C', shall be limited to LED sources of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from preserved habitat to the maximum extent practicable.
18. An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to areas of previously undisturbed soil to assure that any potential cultural resources, including tribal, found during project grading are protected.
19. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement referenced

in ND 17-005. Such treatment may include, but does not require, curation at a facility that meets the criteria contained in 36 C.F.R. Part 79, or if requested by the appropriate Tribe, re-burial on-site, i.e., a non-curation alternative. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods would be repatriated to the "Most Likely Descendant" as determined by the NAHC per California Public Resources Code Section 5097.98.

20. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
21. If inadvertent discoveries of subsurface archaeological/cultural resources, not including human remains or associated burial goods which are addressed in ND17-005, are discovered during grading, the Developer, the project archaeologist, and the Luiseño Tribe under agreement with the landowner described in ND17-005 shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

If cultural resources are inadvertently discovered during the project's earth and/or ground disturbing activities, a controlled grade may be required. A controlled grade procedure would require that earth and/or ground disturbing equipment operate at a deliberate pace, in a specialized manner and work in controlled increments as determined by the Native American monitor and project archaeologist. Equipment would need to meet specific requirements regarding weight, attachments and type of wheels, as determined by the project archaeologist.

22. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site, and if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the "most likely descendant(s)" of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours of being granted access, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
23. All combustible building materials shall be prohibited in all fuel management zones.
24. All fuel modification shall be completed prior to commencement of any flammable construction. In addition, all access roadways, hydrants, and fire department connections shall be constructed or installed and approved by the San Marcos Fire Department prior

to the delivery of combustible materials.

25. All structures shall be built to the current San Diego County Consolidated Fire Code, including current ignition resistant construction requirements, and California Fire Code, and shall be equipped with automatic interior fire sprinklers.
 26. At least one (1) copy of the approved plans, letters, and conditions shall be available for review at the job site at all times.
 27. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
 28. The Applicant/Developer shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
 29. The project must comply with Regional Air Quality Standards.
- M. Prior to the issuance of building permits, the applicant/developer shall comply with the following conditions:
1. The approved precise grading plans shall be attached to the building plans.
 2. The Development shall demonstrate compliance with the latest approved Fire Protection Plan prepared by Firewise 2000, Inc. inclusive of all proposed structures.
 3. A certificate of line and grade prepared by a registered civil engineer or a land surveyor shall be submitted for each pad of the respective building permit.
 4. A soils compaction report prepared by a geotechnical engineer shall be submitted for each pad of the respective building permit.
 5. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.
 6. The Final Map shall be recorded prior the building permit issuance.
 7. All Public Facilities Fees, as established by the latest adopted ordinances and resolutions, shall be paid in full.
 8. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that specifies that Fifteen percent (15%) of new housing construction must be affordable housing or the developer shall pay an In-Lieu Fee, as determined by the City, unless modified by the City Manager.

9. At the discretion of the Fire Marshal, a digital disk shall be submitted containing the following information: Street 'C' centerline, subdivision boundary, lot lines, street right of way, building footprints and fire hydrants. Said files shall be in an AutoCAD format acceptable to the City of San Marcos and shall be on the correct coordinate system.
 10. The developer shall pay their Public Arts Fee as required per the Heart of the City Specific Plan.
 11. For buildings 9, 10, and 11, mitigation in the form of 4-foot barriers will be necessary at the balconies/decks of certain units along Twin Oaks Valley Road shall be required to reduce sounds levels to comply with the City of San Marcos noise standard of 65 dBA CNEL at the multi-family residences and outdoor useable areas. The barriers must be constructed of a non-gapping material (i.e., masonry, stucco, ¼ inch thick glass or Plexiglas).
 12. A final noise assessment shall be prepared prior to the issuance of the first building permit. This final report shall identify the interior noise requirements based upon architectural and building plans to meet the City's established interior noise limit of 45 dBA CNEL. Interior noise levels of 45 dBA CNEL can easily be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g., air conditioning) for each building and upgraded windows for all sensitive rooms (e.g., bedrooms and living spaces). The final noise assessment shall be reviewed and approved by the Planning Manager
- N. Prior to occupancy of any production unit, the applicant/ developer shall comply with the following conditions:
1. The proposed development must satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor must obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department.
 2. The project must be completed in accordance with the approved site plan, floor plan, landscape plan, and elevations drawings. All public infrastructure improvements as shown on the grading and improvement plans shall be constructed per a City approved phasing plan and to the satisfaction of the City Engineer and Public Works Director.
 3. Signs reading "NO PARKING FIRE LANE" are required. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by CA. Vehicle Code, section 22500.1, 22658(a) and San Marcos Fire Department Standards. CFC503.3
 4. Building address shall be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
 5. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-

building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.

6. Prior to occupancy of buildings 9, 10, and 11, mitigation in the form of 4-foot barriers will be necessary at the balconies/decks of the units along Twin Oaks Valley Road shall be installed to reduce sound levels to comply with the City of San Marcos noise standard of 65 dBA CNEL at the multi-family residences and outdoor useable areas. The barriers must be constructed of a non-gapping material (i.e., masonry, stucco, ¼ inch thick glass or Plexiglas).
7. The project applicant shall contribute a fair share toward the cost of installing a traffic signal at the intersection of Discovery Street/Bent Avenue-Craven Road.
8. The project applicant shall contribute a fair share toward the cost of installing a traffic signal at the intersection of Craven Road/Santa Barbara Drive. The signal shall be interconnected with the signal at the Craven Road/Echo Lane intersection due to the close spacing between the intersections. Due to the close spacing between this intersection and the Craven Road/Echo Lane intersection, a signal interconnect would be required between the two intersections.
9. The project applicant shall contribute a fair share toward the cost of installing a traffic signal at the intersection of Craven Road/Santa Barbara Drive. The signal shall be interconnected with the signal at the Craven Road/Echo Lane intersection due to the close spacing between the intersections.
10. The project applicant shall contribute a fair share toward the cost of modifying the southbound approach of the San Elijo Road/Melrose Drive intersection to: 1) convert the existing shared left-turn/through lane to a second exclusive left-turn lane, and convert the existing right-turn lane to a shared through/right-turn lane; 2) modify the signal phasing on the northbound and southbound approaches to convert from split phasing to protected left-turn phasing; and 3) widen the east side of the north leg of the intersection by approximately 6-8 feet to shift all lanes and the raised median on the north leg eastward to minimize the lane offset between the north and south legs of the intersection.
11. The project applicant shall install a traffic signal at the intersection of Twin Oaks Valley Road/Street 'C'.
12. The construction of the parking lot for South Lake Park as shown on the approved tentative map shall be complete to the satisfaction of the City Engineer and VWD. At the discretion of the Planning Manager, occupancy for a portion of the residential development shall be permitted if the construction of the parking lot cannot be completed within a reasonable time due to the review of the project by the United States Fish and Wildlife Service, United States Army Corps of Engineers and other regulatory agencies.
13. All applicable easements and agreements shall be recorded prior to occupancy.
14. Landscaping for all slopes, bio-retention areas, etc. shall be installed, completed, and inspected and approved by the Planning Division. The applicant/developer is responsible to contact the Planning Division for inspection. Additional landscaping will be required if deemed necessary by the Planning Division.

15. The applicant must submit a letter(s) by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Storm Water Quality Management Plan (SWQMP), respectively. Any proposed modifications to the planting plan shall be approved by the City.
 16. Maintenance of all slopes and bio-retention areas shall not be turned over to the HOA until the landscaping of these areas is inspected and approved by the City of San Marcos.
 17. All permanent/ post-construction storm water BMP's shall be inspected by the City of San Marcos and the Engineer of Record for compliance with the approved SWQMP. The Engineer of Record shall also submit a certification for each storm water BMP to the City of San Marcos per NPDES/ Regional Water Quality Control Board requirements.
 18. Address numbers for each building shall be placed in a position that is contrasting in color and plainly visible from street or road fronting the property. Building numbers shall be 12" inches high with a minimum stroke of 1-1/2 inches. Individual townhouse numbers shall be a minimum of 4 inches in height.
 19. A lighted directory map, meeting current fire department standards, shall be installed at each driveway entrance and where deemed necessary by the Fire Department.
 20. The site must be inspected and approved by the San Marcos Fire Department.
- O. Prior to acceptance of public improvements or release of securities, the applicant/developer shall comply with the following conditions:
1. Landscape maintenance for publicly dedicated open space, multi-use trail systems, and bioretention basins shall be accomplished by the Applicant/ Developer for a minimum period of two (2) years, which may be extended, until such time as accepted into the Community Facility District (CFD). Prior to acceptance by the City, the applicant/developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.
 2. The applicant/developer shall maintain all CFD projects as outlined in the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, Developers shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 50% of the maintenance and a cash security of 50% to cover the balance.
 3. As-Built reproducible grading and improvement plans shall be submitted and approved by the Public Works Director and the City Engineer. "As-Built" plans shall reflect minor field changes and approved construction changes in accordance with the City's "As-Built" policy. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets. A digital disk of all as-built drawings and maps is required on a CD. Said files shall be in an AutoCAD format acceptable to the City of San Marcos on the correct coordinate system plus PDF versions of all approved drawings, recorded documents and project reports (i.e. soils report, drainage study, SWPPP, Storm Water Quality Management Plan, structural calculations, title report and guarantee and etc.) shall be included.

4. In order to release the public improvement performance and labor/material security, the Applicant/ Developer shall post a security with the City in an amount approved by the City Engineer for the warranty of all dedicated public improvements for a one (1) year period from the time of acceptance by the Director of Public Works.
- P. The project applicant shall adhere to the requirements of the MOU dated January 17, 2017 between Brookfield Rancho Coronado LLC and the San Marcos Unified School District. The MOU identifies participation in a future funding agreement and formation and participation in Community Facilities District No. 8 of the San Marcos Unified School District.
- Q. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- R. To the extent permitted by law, applicant/developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Tentative Subdivision Map; (ii) any damages, liability and/or claims of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operation of Applicant/ Developer or its contractors, subcontractors, agents, employees or other persons acting on Applicant/ Developer's behalf which relate to the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant/ Developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Tentative Subdivision Map, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 6th day of November, 2017 by the following roll call vote:

YES:

NOES:

ABSENT:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 17-4656

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY ROCK CRUSHER FOR A PROJECT LOCATED IN THE BARHAM DISCOVERY NEIGHBORHOOD

CUP 17-006

(P17-0015)

Brookfield Residential Properties

WHEREAS, the City of San Marcos received an application from Brookfield Residential Properties requesting approval of a Conditional Use Permit to allow the temporary crushing of on-site material for a future South Lake Park parking lot proposed as part of the MU-4 Brookfield project, located at the southwest corner of South Twin Oaks Valley Road and South Village Drive, more particularly described as:

Lot 129 of Subdivision Map 16154 and Portions of the Northeast Quarter of the Southwest Quarter of Section 23, Township 12 South, Range 3 West, in the City of San Marcos, County of San Diego, State of California

Assessor Parcel Numbers: 222-170-36-00, 222-170-37-00, and a portion of 222-190-02-00

WHEREAS, the Development Services Department did study and recommend approval of the request; and

WHEREAS, Conditional Use Permit 17-006 is being requested in conjunction with a General Plan Amendment (GPA 17-002) to modify the permitted General Plan land Use designations on the subject site from Heart of the City Specific Plan "MU-4 Mixed Use (Nonresidential)" and Park (P) to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Specific Plan Amendment (SP 17-002) to modify the permitted specific plan land use designations on 22.94 acres of the project site from Heart of the City Specific Plan "MU-4 Mixed Use (Nonresidential)" to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Rezone (R17-001) to modify the zoning designation on 0.28 acres of the project site from Public Institutional (PI) to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Tentative Subdivision Map (TSM 17-003) to develop 220 residential condominium on eight (8) lots (including a public street dedication); a Multi-Family Site Development Plan (MFSDP 17-002) to construct 220 residential condominium units on the project site, and a Grading Variance (GV 17-003) to allow for slopes in excess of 20 feet; and

WHEREAS, the Development Services Department held public workshops for the project on April 18, 2017 and June 21, 2017; and

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WHEREAS, A Mitigated Negative Declaration (ND 17-005) is hereby recommended to the City Council for approval pursuant to the California Environmental Quality Act (CEQA).

WHEREAS the required public hearing held on November 6, 2017 was duly noticed and held in the manner prescribed by law; and

WHEREAS, the Planning Commission's decision is based upon the following findings and determinations:

1. The proposed Conditional Use Permit, as conditioned, will not be detrimental to the public health, safety or welfare of the surrounding land uses in the area in that the proposed temporary crushing operation will be set back a sufficient distance from the adjacent residential homes and the equipment is below the grade of the adjacent residential neighborhood. The project has been conditioned so that noise readings must be taken at the property line of the closest residence to the project site within one week of operation. If noise readings show that noise generated from the rock crusher exceeds the allowable noise level for the area, a sound barrier must be installed around the rock crusher to shield residents from excessive noise. Also, allowing the crusher on site will reduce construction truck trips on the City streets to and from the site, as well as the duration of the construction phase.
2. The proposed Conditional Use Permit, as conditioned, is consistent with the policies and intent of the Heart of the City Specific Plan and General Plan in that the developer is required to employ noise reduction techniques during construction operations (General Plan Policy N-3.1) and the hours in which the rock crusher is permitted to be operate is limited due to the adjacent noise sensitive land uses (General Plan Policy N-3.2). Furthermore, use of the rock crusher has been conditioned so that noise readings must be taken at the property line of the closest residence to the project site. If noise readings show that noise generated from the rock crusher exceeds the allowable noise level for the area, a sound wall must be constructed around the rock crusher to shield residents from excessive noise (General Plan Policy N-1.3).
3. The proposed use of a rock crusher will be temporary, is located at least 600 feet from the nearest residence, and has been conditioned to mitigate potential impacts associated with the use (i.e. noise, dust, etc.).

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 17-005) is hereby recommended to the City Council for approval pursuant to the California Environmental Quality Act (CEQA).

C. The Conditional Use Permit is hereby approved subject to the following conditions:

1. During all phases of the project, the applicant/developer must comply with all applicable mitigation measures in Mitigation Negative Declaration 17-005.
2. Prior to operation of the rock crushing, the following conditions shall be complied with:
 - a. The applicant shall post cash securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees to cover cost of any potential damage resulting from the debris crushing activities.
 - b. The applicant shall provide proof to the City that adequate construction parking, through submittal of a construction parking plan, is provided off-street. Said construction parking plan shall be approved by the City.
 - c. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
 - d. The applicant/developer must identify the location of storage, use or handling of hazardous, toxic or flammable materials which shall be clearly indicated on the site plan or floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
 - e. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
 - f. Prior to delivery of combustible building construction materials to the project site; the following conditions must be completed to satisfaction of the Fire Dept. (1) Fire Hydrant(s) shall be installed, approved and usable. (2) Fire Lane or Access Roads shall be in place and provide a permanent all weather surface for emergency vehicles that support weight of fire apparatus (75,000 lbs).

- g. The placement of the temporary rock crusher shall be consistent with Figure 9 of the approved Mitigated Negative Declaration (ND 17-005) noise analysis as shown on Attachment "A."
 - h. The applicant shall obtain any required OSHA permits in accordance with the California Code of Regulations, Title 8, Section 1503.
 - i. The applicant shall submit a cash deposit to the Planning Division, as determined by the Planning Manager, to ensure the staff facilitation of an onsite operational noise test to verify noise levels if determined necessary by the Planning Division Manager.
- 3. During the operation of the rock crusher, the following conditions shall be complied with:
 - a. Noise measurements of the rock crushing equipment within the first week of operations shall be conducted to ensure compliance with the City's applied 60 dBA Leq threshold. If noise levels are found to be above the established thresholds of 60 dBA at any existing single family residential use, 65 dBA at any multifamily use, or 70 dBA at any commercial use then additional mitigation in the form of berms or temporary walls shall be incorporated into the rock crusher design to reduce noise levels to below the City's thresholds. If a barrier is required, it shall be one to two feet higher than the crusher. The barrier shall be an earthen berm, 5/8-inch plywood, 1-inch acoustical blankets, or a combination of these materials.
 - b. The rock crushing operation shall be limited to the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
 - c. The applicant/developer shall not create dust clouds that are visible beyond the property line and a sign be posted on-site that contains both the name and phone number of the contractor and builder representative for dust control complaints, as well as for the San Diego County Air Pollution Control District to send an inspector in case of violations of the opacity regulation.
 - d. The rock crusher shall contain an operating water spray system to maintain adequate moisture on both the raw material feed and finished material discharge.

- e. The applicant shall comply with all requirements of the San Marcos Fire Department including the following:
 - 1. A minimum of 24-foot wide roadway must be provided for emergency access to the rock processing equipment.
 - 2. Adequate fire truck turn-around area must be provided, to the satisfaction of the San Marcos Fire Department.
 - 3. A permit shall be obtained from the San Marcos Fire Department for the storage of any flammable liquid material.
- f. The applicant shall comply with Air Pollution Control District (APCD) permit for proper equipment and operating regulations and procedures, including:
 - 1. Water shall be sprayed on unpaved roads, parking areas, and staging areas two times daily or at sufficient frequency to keep soil moist enough to prevent visible dust plumes.
 - 2. Water shall be sprayed on rock materials undergoing rock crushing process at sufficient frequencies. Automatic water mist or sprinkler system shall be installed in areas of rock crushing.
 - 3. Conformance with all conditions of approval for dust control required by the County Air Pollution Control District permit as applicable.
 - 4. The applicant shall also file copies of said permits (and all related conditions) to the Planning Division.
- g. The application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust.

- h. The applicant shall be responsible for conducting the use in a manner as not to become obnoxious by reason of noise, refuse matter, odor, dust, smoke, maintenance of grounds and buildings, or to have a detrimental effect on the surrounding properties and improvements.
 - i. No rock or additional material shall be imported from off-site to be processed by the temporary crusher.
 - j. No sale or export of crushed material shall be allowed from the project area.
 - k. A construction sign must be placed at a conspicuous location onsite with a telephone number and contact to report any construction related complaints associated with the project. The size, location, and placement of the sign must be reviewed and approved by the Planning Division Manager.
- 4. The applicant shall comply with all City ordinances and regulations applicable to the rock crushing operations authorized by the Conditional Use Permit 17-006, except the conditions of this CUP deemed more restrictive than those contained in the City ordinances and regulations.
- 5. The contractor, permittee, or project owner shall be responsible for continual maintenance of erosion control devices as shown on the erosion control plan or per City standards. The City may revoke the grading permit for noncompliance with the City's Storm Water Management Program. The permits shall not be renewed until the erosion control system complies with City standards.
- 6. If the developer is relying on blasting as part of this operation, the following conditions shall be complied with:
 - a. The general contractor or property owner/developer shall give reasonable notice in writing at the time of issuance of a Blasting Permit to all residences or businesses within 600 feet of any potential blast location. The notice shall be in a form approved by the San Marcos Fire Department. Any resident or business receiving such notice may request of the San Marcos Fire Department that a notice of impending blasting be given by the blaster within 24 hours before any blasting. The general contractor or property owner/developer shall make all reasonable efforts to contact any and all parties requesting the second notice.
 - b. The blaster shall file a written certification with the San Marcos Fire Department certifying that the general notice required by Section 17.60.060(b) has been given. The certificate shall include addresses and

date(s) of notification. A copy shall be retained on file at the Fire Department.

- c. Inspections of all structures within 300 feet of the blast site shall be made before blasting operations. The persons inspecting shall obtain the permission of the building owner to conduct an inspection. The inspections shall be done by a registered structural engineer employed by the blaster or project contractor. The inspection shall be only for the purpose of determining the existence of any visible or reasonably recognizable pre-existing defects or damages in any structure. Inspection refusal shall be at the discretion of the property owner.
 - d. Blasting shall only be permitted between the hours of 9:00 a.m. and 4:00 p.m. during any weekday, Monday through Friday, exclusive of City recognized holidays unless special circumstances warrant another time or day and special approval is granted by the Planning Division Manager, Building Official, and Fire Chief.
7. This Conditional Use Permit shall become null and void if not acted upon within two (2) years of the adoption of this resolution consistent with the expiration date of TSM 17-003 (Resolution PC 17-4655).
 8. Per Building Code Section 104.2.4, the City may order work stopped by written notice when the project violates the Grading Ordinance, Storm Water Management Program, or conditions contained within this Resolution. No work shall be allowed on the project until the City authorizes the work to proceed.
 9. The applicant shall comply with all relevant sections of the San Marcos Municipal Code.
 10. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
 11. To the extent permitted by law, applicant/developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Conditional Use Permit; (ii) any damages, liability and/or claims of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operation of applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to

the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant/developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Conditional Use Permit, but shall survive in perpetuity.

12. The applicant/developer must comply with all applicable conditions as set forth in Resolution PC 17-4659 (Specific Plan 17-002), Resolution PC 17-4653 (General Plan Amendment 17-002), Resolution PC 17-4658 (Rezone 17-001), Resolution PC 17-4655 (Tentative Subdivision Map 17-003), Resolution PC 17-4657 (Grading Variance 17-003), and Resolution PC 17-4654 (MFSDP 17-002).

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 6th day of November 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

Exhibit "A" – Proposed Rock Crusher Location

EXHIBIT "A"

Proposed Rock Crusher Location



RESOLUTION PC 17-4657

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A GRADING VARIANCE TO ALLOW MANUFACTURED SLOPES TO EXCEED TWENTY (20) FEET IN HEIGHT FOR A PROPOSED LOW MEDIUM DENSITY RESIDENTIAL PROJECT (8-12 DWELLING UNITS PER ACRE) IN THE HEART OF THE CITY SPECIFIC PLAN AREA IN THE BARHAM DISCOVERY COMMUNITY

GV 17-003

(P17-0015)

Brookfield Residential Properties

WHEREAS, on February 27, 2017 an application was received from Brookfield Residential Properties requesting approval of a Grading Variance to allow manufactured slopes to exceed twenty (20) feet in height for a proposed Low Medium Density Residential project consisting of 220 residential condominium units at the southwest corner of South Twin Oaks Valley Road and South Village Drive in the Barham Discovery Community, more particularly described as:

Lot 129 of Subdivision Map 16154 and portions of the northeast quarter of the southwest quarter of section 23, township 12 south, range 3 west, in the City of San Marcos, County of San Diego, State of California.

Assessor Parcel Numbers: 222-170-36-00, 222-170-37-00, and a portion of 222-190-02-00

WHEREAS, the Development Services Department did study and recommend approval of said request; and

WHEREAS, Grading Variance (GV) 17-003 is being requested in conjunction with a General Plan Amendment (GPA 17-002) to modify the permitted General Plan land use designations on the subject site from Heart of the City Specific Plan "MU-4 Mixed Use (Nonresidential)" and Park (P) to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Specific Plan Amendment (SPA 17-002) to modify the permitted specific plan land use designations on 22.94 acres of the project site from Heart of the City Specific Plan "MU-4 Mixed Use (Nonresidential)" to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Rezone (R 17-001) to modify the zoning designation on 0.28 acres of the project site from Public Institutional (PI) to Heart of the City Specific Plan "Low Medium Density Residential" (8-12 dwelling units per acre), a Tentative Subdivision Map (TSM 17-003) to develop 220 residential condominium on eight (8) lots (including a public street dedication); Multi-Family Site Development Plan (MFSDP) 17-002 to construct 220 residential condominium units, and a Conditional Use Permit (CUP 17-006) to allow for the temporary use of a Rock Crusher during project construction; and

WHEREAS, the Development Services Department held public workshops for the project on April 18, 2017 and June 21, 2017; and

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WHEREAS, the required public hearing held on November 6, 2017 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 17-005) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. There are exceptional and extraordinary circumstances applicable to the property involved that do not generally apply to other properties in the general area. The project site was previously utilized as a resources extraction facility and is currently rough graded as a cut and fill pad. The project site currently contains slopes that exceed 20 feet in height at both the north and south ends of the project site. Height of the existing slopes at the northern edge of the project site range between 29 feet and 34 feet and the slope at the southern portion of the project site is 55 feet in height. The grading variance is being requested on three (3) slopes at the northern portion of the project site, as shown in Exhibit A, to accommodate a secondary access point to the project site required by the San Marcos Fire Department, provide needed circulation of the site, and to refine the shape of the pad to accommodate the project. All proposed slopes exceeding 20 feet in height are needed and unavoidable provided the existing grading of the site and topographical constraints of the site (cut and fill pad on a hillside).
2. The granting of the Grading Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties within the vicinity. As indicated, the project site is a cut and fill pad located within a hillside that currently contains slopes that exceed 20 feet at both the northern and southern portions of the project site and will remain with development of the site. Height of the existing slopes at the northern edge of the project site range between 29 feet and 34 feet and the slope at the southern portion of the project site is 55 feet in height. The existing slopes on site were approved through Grading Plan (GP) 15-00020 for the mass grading of the site along with the rest of the Rancho Coronado development area approved as TSM15-006 by Planning Commission Resolution 15-4498/ City Council Resolution 2015-8140. All proposed slopes exceeding 20 feet in height are needed and unavoidable provided the existing grading of the site, topographical constraints of the site (cut and fill pad on a hillside), and the required access from Santa Barbara Drive as required by the San Marcos Fire Department.
3. The granting of the Grading Variance will not be materially detrimental to the public health, safety and welfare, or injurious to property or improvements within the area in that the proposed slopes and building pads will be constructed per the recommendations of the geotechnical report and approval of the City Engineer, and all manufactured slopes will be landscaped and irrigated for erosion control aesthetic purposes.

4. The granting of the Grading Variance will not adversely affect the implementation of the General Plan for the Barham Discovery Community in that all slopes will be landscaped to beautify the neighborhood and the residential development will be architecturally compatible with the surrounding neighborhood.

NOW, THEREFORE, the Planning Commission resolves as follows

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 17-005) for this project is hereby recommended to City Council for approval pursuant to the California Environmental Quality Act (CEQA).
- C. The Grading Variance (GV 17-003) is approved based upon the submitted General Plan Amendment (GPA 17-002), Specific Plan Amendment (SPA 17-002), Rezone (R 17-001), Tentative Subdivision Map (TSM 17-003), Multi-Family Site Development Plan (MFSDP 17-002), and Conditional Use Permit (CUP 17-006). All conditions are hereby incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 6th day of November, 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

Attachment: Exhibit "A" Slope Variance Exhibit

EXHIBIT "A" Slope Variance Exhibit

